

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CRIMINAL #04-10288-RWZ

UNITED STATES OF AMERICA

v.

PHILIP J. ALBERT, JR.

**DEFENDANT PHILIP ALBERT'S MOTION
TO REINSTATE CONDITIONS OF RELEASE**

Now comes the defendant, Philip J. Albert, Jr., through counsel, and respectfully moves this Honorable Court to reinstate his conditions of release.

As reasons therefore, and in support whereof, the defendant states as follows:

1. On February 10, 2006, after having revoked Mr. Albert's conditions of release for failing to abstain from controlled substances during the pendancy of this case, Magistrate Judge Dein ordered Mr. Albert to enter drug treatment at Spectrum Residential. This program is located in Westboro, Massachusetts.
2. Mr. Albert entered the residential program as ordered. He then returned to court on or about March 15, 2006, at which time Pretrial Services Officer Judith Oxford informed the court that Mr. Albert was doing exceptionally well.
3. Pretrial Officer Oxford submitted a written report to the court at that time in which she summarized Mr. Albert's success in the program. The relevant portion of that letter follows:

Mr. Albert entered Spectrum Residential, following a long history of denial in regards to his drug use. However, this changed dramatically. Mr. Albert has participated fully from the first day at the residential program. He appeared to be honest and disclosed to treatment staff his long battle with opiate addiction. He spoke in groups when called upon and was attentive during every therapy session. Approximately two weeks after arriving, Pretrial Services met with Mr. Albert and his treatment staff at Spectrum. The reports were not just positive in regards to his attitude, but described an individual that was fully engaged in treatment and demonstrated a willingness to commit to his recovery. Staff members have indicated that Mr. Albert is progressing positively in his program and is reaching out to his peers so that he can develop a support network. Mark Anderson, the Director of Spectrum Residential indicated that Mr. Albert has recently experienced some difficult events with his family and did not let this be an excuse to defocus from treatment, rather, he was able to process his feelings with staff demonstrating the ability to utilize recovery tools.

March 15, 2006 Letter From Judith Oxford to Judge Zobel, pg. 2.

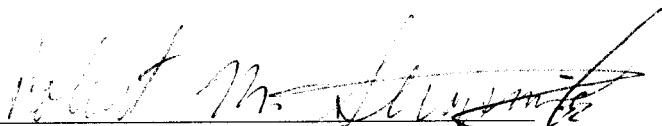
4. All subsequent reports indicate that Mr. Albert is continuing his positive efforts at Spectrum Residential. He remains committed to his recovery, and he is actively involved in helping other residents do the same.
5. Mr. Albert is scheduled to complete the residential program, and graduate therefrom, on August 9, 2006.
6. Mr. Albert's sentencing hearing is now scheduled for August 29, 2006. Allowance of this motion, therefore, will permit him to return home during the twenty (20) day period between his graduation and his sentencing.

WHEREFORE: The defendant respectfully requests that the within motion be allowed, and that his conditions of release be reinstated as of August 9, 2006.

Respectfully submitted,

Philip J. Albert, Jr., Defendant
By his attorneys,

Dated: 7/28/06

A handwritten signature in black ink, appearing to read "Robert M. Strasnick", is written over a horizontal line.

John Andrews – B.B.O. #554259

Robert M. Strasnick – B.B.O. #637598

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